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A DDL IO A TION INC			1 -	CONFIRMATION NO.	
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.		
10/662,724	09/15/2003	Sachin Garg	630-044US	1503	
47912 DEMONT & B	7590 07/17/2007 BREYER, LLC	EXAMINER			
	IS WAY, STE 250		SIKRI, ANISH		
HOLWIDEL, N	3 07733		ART UNIT	PAPER NUMBER	
		•	2143		
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		·	07/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application N	0.	Applicant(s)				
	10/662,724		GARG ET AL.				
Office Action Summary	Examiner		Art Unit				
•	Anish Sikri		2143				
The MAILING DATE of this communication app		er sheet with the c		dress			
Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS (36(a). In no event, ho will apply and will expi , cause the applicatio	COMMUNICATION owever, may a reply be time ore SIX (6) MONTHS from on to become ABANDONEI	N. nely filed the mailing date of this co D (35 U.S.C. § 133).				
Status							
1) Responsive to communication(s) filed on 15 Se	eptember 2003						
·=	This action is FINAL . 2b)⊠ This action is non-final.						
,—	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle	, 1935 C.D. 11, 45	13 O.G. 213.				
Disposition of Claims							
4) ☐ Claim(s) 1-12 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-12 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/o	wn from consid						
Application Papers							
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 15 September 2003 is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) ☐ The oath or declaration is objected to by the Ex	are: a)⊠ acce drawing(s) be he tion is required if	eld in abeyance. See the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 Cl	FR 1.121(d).			
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 9/15/2003, 12/27/04, 3/10/06.	4) [5) [6) [Paper No(s)/Mail Da	ate				

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DETAILED ACTION

Information Disclosure Statement

The information disclosure statement submitted on 9/15/2003, 12/27/2004, and 3/10/2006 been considered by the Examiner and made of record in the application file.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-12** are rejected under 35 U.S.C. 102(b) as being unpatentable over Lyon et al (US Pat 6,333,917).

Consider Claim 1, Lyon et al clearly discloses the method of receiving a first plurality of protocol data units at a first input (Lyons et al Col 3, Lines 59-62) of a protocol-data-unit excisor (Lyons et al, Col 3 Line 58), wherein all of the protocol data units received at said first input (Lyons et al Col 3, Lines 59-62) are en route to a first congestible node (Lyons et al, Col 6, Lines 7-19); receiving at a said protocol-data-unit excisor (Lyons et al, Col 3 Line 58) a metric of a queue (Lyons et al, Col 14, Lines 55-65) in a said first congestible node (Lyons et al, Col 6, Lines 7-19); and selectively dropping (Lyons et al, Col 6, Lines 25-30), at said protocol-data-unit excisor (Lyons et al, Col 3 Line 58), one or more of said first plurality of protocol data units based on said metric of said queue (Lyons et al, Col 14, Lines 55-65) in said first congestible node

(Lyons et al, Col 6, Lines 7-19). Lyon et al clearly shows on how packets are transmitted over the network from multiple number of sources while on route to the node(s), during the transmission the packets go through the switch before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 2, Lyon et al clearly discloses the method of claim 1 wherein said protocol data unit excisor (Lyons et al, Col 3 Line 58) decides whether to drop a protocol data unit (Lyons et al, Col 6, Lines 25-30) based on Random Early Detection (Lyons et al, Col 1, Line 10, Col 6, Lines 50-60). Lyon et al clearly shows on the use of Random Early Detection in its switch for controlling congestion of packets passing through the network.

Consider Claim 3, Lyon et al clearly discloses the method of claim 1 wherein receiving a second plurality of protocol data units at a second input (Lyons et al Col 3, Lines 59-62) of said protocol data unit excisor (Lyons et al, Col 3 Line 58), wherein all of the protocol data units received at said second input (Lyons et al Col 3, Lines 59-62) are en route to a second congestible node (Lyons et al, Col 6, Lines 7-19); receiving at said protocol data unit excisor (Lyons et al, Col 3 Line 58) a metric of a queue (Lyons et al, Col 14, Lines 55-65) in a said second congestible node (Lyons et al, Col 6, Lines 7-19); and selectively dropping (Lyons et al, Col 6, Lines 25-30), at said protocol data unit excisor (Lyons et al, Col 3 Line 58), one or more of said second plurality of protocol data

units based on said metric of said queue (Lyons et al, Col 14, Lines 55-65) in said second congestible node (Lyons et al, Col 6, Lines 7-19). Lyon et al clearly shows on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 4, Lyon et al clearly discloses protocol data unit excisor (Lyons et al. Col 3 Line 58) comprising: a first input (Lyons et al Col 3, Lines 59-62) for receiving a first plurality of protocol data units, wherein all of the protocol data units received at said first input (Lyons et al Col 3, Lines 59-62) are en route to a first congestible node (Lyons et al, Col 6, Lines 7-19) a second input (Lyons et al Col 3, Lines 59-62) for receiving a metric of a queue (Lyons et al, Col 14, Lines 55-65) in a said first congestible node (Lyons et al, Col 6, Lines 7-19); and a processor for selectively dropping (Lyons et al, Col 6, Lines 25-30), one or more of said first plurality of protocol data units based on said metric of said queue (Lyons et al, Col 14, Lines 55-65) in said first congestible node (Lyons et al, Col 6, Lines 7-19). Lyon et al clearly shows on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor) before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider **Claim 5**, Lyon et al clearly discloses the protocol data unit excisor (Lyons et al, Col 3 Line 58) of claim 4 wherein said protocol-data-unit excisor (Lyons et al, Col 3 Line 58) decides whether to drop a protocol data unit (Lyons et al, Col 6, Lines 25-30) based on Random Early Detection (Lyons et al, Col 1, Line 10, Col 6, Lines 50-60). Lyon et al clearly shows on the use of Random Early Detection in its switch for controlling congestion of packets passing through the network.

Consider Claim 6, Lyon et al clearly discloses the protocol-data-unit excisor (Lyons et al, Col 3 Line 58) of claim 4 further comprising: a third input (Lyons et al Col 3, Lines 59-62) for receiving a second plurality of protocol data units, wherein all of the protocol data units received at said third input (Lyons et al Col 3, Lines 59-62) are en route to a second congestible node (Lyons et al, Col 6, Lines 7-19); a fourth input receiver (Lyons et al Col 3, Lines 59-62) for receiving a metric of a queue (Lyons et al, Col 14, Lines 55-65) in a said second congestible node (Lyons et al, Col 6, Lines 7-19); and a wherein said processor is also for selectively dropping (Lyons et al, Col 6, Lines 25-30), one or more of said second plurality of protocol data units based on said metric of said queue (Lyons et al, Col 14, Lines 55-65) in said second congestible node (Lyons et al, Col 6, Lines 7-19). Lyon et al clearly shows on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor)

before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 7, Lyon et al clearly discloses the method of receiving a first plurality of protocol data units at a first input (Lyons et al Col 3, Lines 59-62) of a protocol-data-unit excisor (Lyons et al, Col 3 Line 58), wherein all of the protocol data units received at said first input (Lyons et al Col 3, Lines 59-62) are en route to a first congestible node (Lyons et al, Col 6, Lines 7-19); estimating in said protocol-data-unit excisor (Lyons et al, Col 3 Line 58) a first metric of a first queue (Lyons et al, Col 14, Lines 55-65) of protocol data units in said first congestible node (Lyons et al, Col 6, Lines 7-19) based on said first plurality of protocol data units; and selectively dropping (Lyons et al, Col 6, Lines 25-30), at said protocol-data-unit excisor (Lyons et al, Col 3 Line 58), one or more of said first plurality of protocol data units en route to said first congestible node (Lyons et al, Col 6, Lines 7-19) based on said first metric (Lyons et al, Col 14, Lines 55-65). Lyon et al clearly shows the method on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor) before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 8, Lyon et al clearly discloses the method of claim 7 wherein said protocol-data-unit excisor (Lyons et al, Col 3 Line 58) decides whether to drop a protocol data unit (Lyons et al, Col 6, Lines 25-30) based on Random Early Detection (Lyons et al, Col 1, Line 10, Col 6, Lines 50-60). Lyon et al clearly shows on the use of Random Early Detection in its switch for controlling congestion of packets passing through the network.

Consider Claim 9, Lyon et al clearly discloses the method of claim 7 further comprising receiving a second plurality of protocol data units at a second input (Lyons et al Col 3, Lines 59-62) of said protocol data unit excisor (Lyons et al, Col 3 Line 58), wherein all of the protocol data units received at said second input (Lyons et al Col 3, Lines 59-62) are en route to a second congestible node (Lyons et al, Col 6, Lines 7-19); estimating in said protocol data unit excisor (Lyons et al, Col 3 Line 58) a second metric of a second queue (Lyons et al, Col 14, Lines 55-65) of protocol data units in said second congestible node (Lyons et al, Col 6, Lines 7-19) based on said second plurality of protocol data units; and selectively dropping (Lyons et al, Col 6, Lines 25-30), at said protocol data unit excisor (Lyons et al Col 3, Lines 59-62), a one or more of said second plurality of protocol data units en route to said second congestible node (Lyons et al. Col 6, Lines 7-19) based on said second metric (Lyons et al, Col 14, Lines 55-65). Lyon et al clearly shows the method on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor) before

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reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 10, Lyon et al clearly discloses a protocol-data-unit excisor (Lyons et al. Col 3 Line 58) comprising: a first input (Lyons et al Col 3, Lines 59-62) for receiving a first plurality of protocol data units, wherein all of the protocol data units received at said first input (Lyons et al Col 3, Lines 59-62) are en route to a first congestible node (Lyons et al, Col 6, Lines 7-19); and a processor for estimating a first metric of a first queue of protocol data units in said first congestible node (Lyons et al, Col 6, Lines 7-19) based on said first plurality of protocol data units, and for selectively dropping (Lyons et al, Col 6, Lines 25-30) one or more of said first plurality of protocol data units en route to said first congestible node (Lyons et al, Col 6, Lines 7-19) based on said first metric (Lyons et al, Col 14, Lines 55-65). Lyon et al clearly shows the method on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor) before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

Consider Claim 11, Lyon et al clearly discloses the method of claim 10 wherein protocol data unit excisor (Lyons et al, Col 3 Line 58) decides whether to drop a protocol data unit (Lyons et al, Col 6, Lines 25-30) based on Random Early Detection (Lyons et

al, Col 1, Line 10, Col 6, Lines 50-60). Lyon et al clearly shows on the use of Random Early Detection in its switch for controlling congestion of packets passing through the network.

Consider Claim 12, Lyon et al clearly discloses the protocol-data-unit excisor (Lyons et al, Col 3 Line 58) of claim 10 further comprising: a second input (Lyons et al Col 3, Lines 59-62) for receiving a second plurality of protocol data units, wherein all of the protocol data units received at said second input (Lyons et al Col 3, Lines 59-62) are en route to a second congestible node (Lyons et al, Col 6, Lines 7-19); and a processor for estimating a second metric of a second queue (Lyons et al, Col 14, Lines 55-65) of protocol data units in said second congestible node (Lyons et al, Col 6, Lines 7-19) based on said second plurality of protocol data units, and for selectively dropping (Lyons et al, Col 6, Lines 25-30) one or more of said second plurality of protocol data units en route to said second congestible node (Lyons et al, Col 6, Lines 7-19) based on said second metric (Lyons et al, Col 14, Lines 55-65). Lyon et al clearly shows the method on how packets are transmitted over the network from multiple number of sources while on route to the respective node(s), during the transmission the packets go through the switch (protocol data unit excisor) before reaching the node(s), and within the switch, it calculates based on metrics on whether to drop packets or allow packets to avoid traffic congestion at the node(s).

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Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Anish Sikri whose telephone number is 571-270-1783.

The examiner can normally be reached on 8am - 5pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anish Sikri

a.s.

July 5, 2007

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100